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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

LFP IP, LLC,

Plaintiff,

vs.

LEE KEITH BRETT, et al.,

Defendant.

Case No. 2:16-cv-00166-FMO-RAO

**DEFENDANT'S MOTIONS IN
LIMINE**

Honorable Fernando M. Olguin
Courtroom: 6D

Complaint Filed: January 8, 2016
Trial Date: July 25, 2017

MEMORANDUM

The defendant, Lee Brett, respectfully moves the court to exclude the following testimony or evidence, if offered, by the plaintiff at the trial of this action, for the following 5 motions in limine – 1. No Surveys produced by the plaintiffs of any actual confusion. 2. No experts testimony of actual confusion. 3. No actual sales reports for any damages. 4. Any evidence relating to licensing that LFP claims. 5.

Required Declaration, motions made for the purpose of precluding the mention or display of inadmissible and prejudicial matter in the presence of the jury.

A representation to the court that the subject of the motion has been discussed with the plaintiff's LFP opposing counsel, and that opposing counsel has indicated that such matter will be mentioned or displayed in the presence of the jury before it is admitted in evidence or that counsel has refused to stipulate that such matter will not be mentioned or displayed in the presence of the jury unless and until it is admitted in evidence;

Motion in Limine #1 – No evidentiary surveys, investigations, analysis, public opinion, studies or any other consumer research produced by the plaintiffs of any actual confusion.

During the discovery the plaintiff's LFP admitted to having done No national surveys, investigations, analysis, public opinion, studies or any other consumer research produced by the plaintiffs of any actual confusion. (summary judgment Exhibit #13) nor has the plaintiff's informed or presented any evidence of any actual confusion.

Bringing any in now should be inadmissible, and would be prejudicial to the defendant. The defendant Lee Keith Brett will suffer prejudice if the motion is not granted.

Motion in Limine #2 – No experts testimony regarding actual confusion

During the discovery the plaintiff's LFP have not produced any expert testimony of any actual confusion, nor has the plaintiff's informed or presented any expert

testimony of any evidence of any actual confusion. Nor has LFP informed the defendant Lee Keith Brett that they will have any expert witnesses.

Bringing any in now should be inadmissible, and would be prejudicial to the defendant. The defendant Lee Keith Brett will suffer prejudice if the motion is not granted.

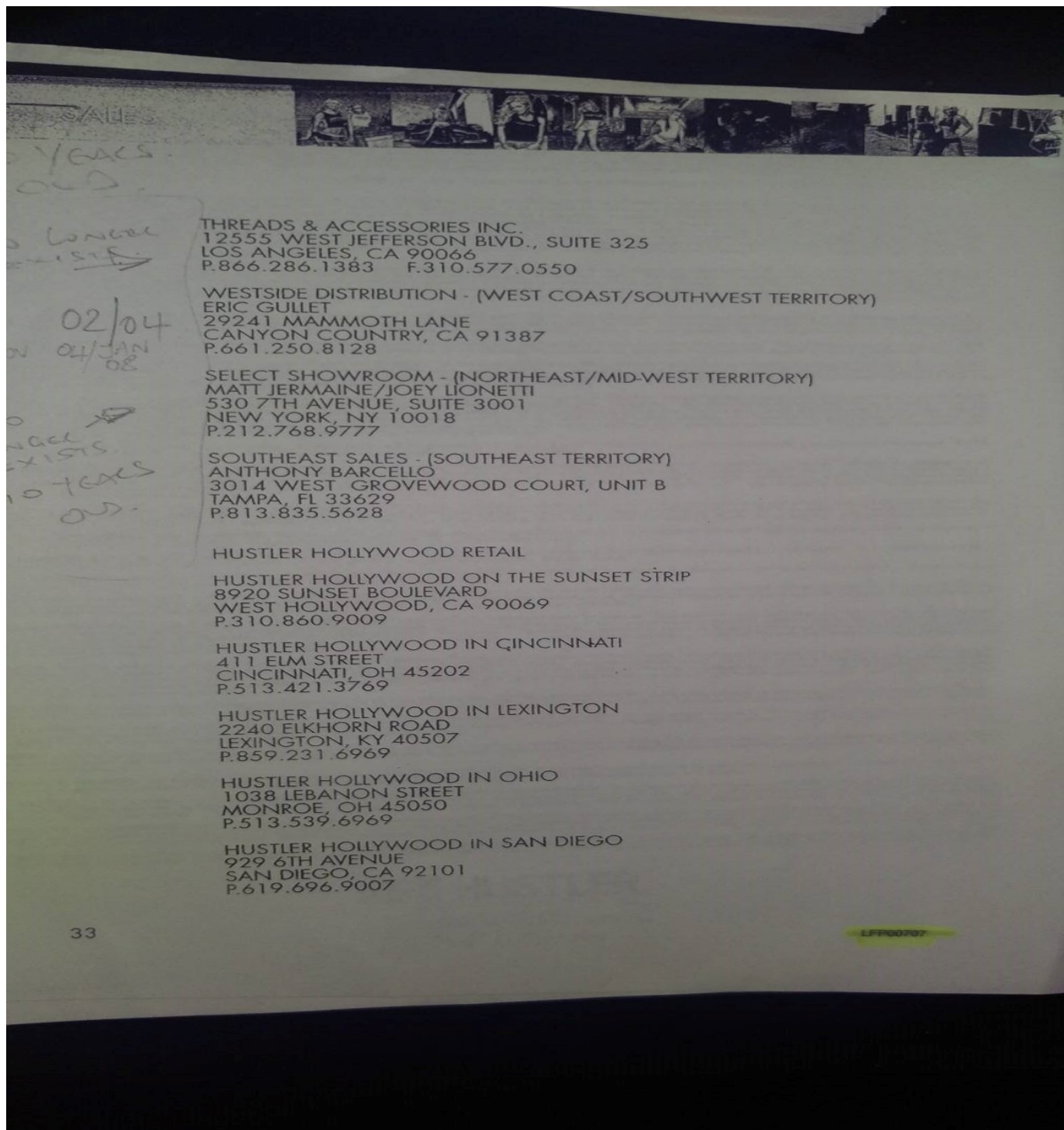
Motion in Limine #3 – No evidentiary testimony, and documents nor sales reports to establish any damages.

During the discovery the plaintiff's LFP would NOT produce any actual sales reports, documents or anything related to sales. Nor did LFP produce any documents, testimony or expert reports of any actual damages.

Bringing any in now should be inadmissible, and would be prejudicial to the defendant. The defendant Lee Keith Brett will suffer prejudice if the motion is not granted.

Motion in Limine #4 – No evidentiary documents or testimony in relation to licensing agreements regarding hustler clothing, they are an inadequate foundation to establish the licensing agreement. The majority are out of business or do not exist.

During the discovery the plaintiff's LFP produced documents alleging that they had numerous licensing regarding clothing. (Exhibit 214) is a copy of the list of alleged licensees sent by the plaintiff's LFP. (also listed below)



Upon following up on this evidence, none of these companies have been in existence for over 10 years. Upon calling any of them the courts will see this evidence is another clear example of the plaintiff's misleading the jury, and any evidence, witnesses or claims of licensing, this also includes the plaintiff's (exhibits H and I) This should be inadmissible and is prejudice to the defendant Lee Keith Brett. Regarding the 4 companies listed,

- 1- Threads and accessories when called is the wrong company. 310-577-0550
- 2- Westside distribution goes to a fax machine. 661-250-8128
- 3- Select Showroom is no longer in service. 212-768-9777
- 4- Southeast sales is no longer in service. 813- 835-5628

The defendant puts the court on judicial notice of these facts above.

LFP also has filed evidence that is from 2007, (exhibits H, I, 200, 180, 178) are just some of the numerous exhibits that show the dates of this catalog that all of LFPs exhibits are taken from. LFP are again attempting to mislead the courts and the jury. This is not relevant, it lacks authenticity, it is remote in time, and is highly prejudicial and misleads the jury.

Bringing any in now should be inadmissible, and would be prejudicial to the defendant. The defendant Lee Keith Brett will suffer prejudice if the motion is not granted.

Motion in Limine #5 – Restriction on evidence regarding fame, this is to include documents, exhibits, and any mention by witnesses as it regards to clothing.

During the discovery the plaintiff's LFP would NOT produce any actual sales reports, documents or anything related to sales for clothing in relation to being famous for clothing Nor did LFP produce any documents, testimony or expert reports of any actual damages in relation to their claims of being famous. LFP also in the summary judgment offered to take out the dilution part of the claim, but refused to acknowledge all other mentions of their claims of being famous and claims of being well known by the general consuming public of the united states. LFP is not famous so any mention of the word fame should be excluded in relation to clothing or even sex.

Plaintiff is presently representing himself. His address of record with the court is 17790 Coshocton Road, Apartment 1, Mount Vernon , Ohio 43050 and his telephone number (702) 467-4817.

Defendant is represented by Jonathan Brown of Lipsitz Green Scime Cambria LLP and Mark S. Hoffman of the Law Offices of Mark S. Hoffman. Their respective addresses and telephone numbers are 42 Delaware Avenue, Suite 120. Buffalo, New York 14202-3924, (716) 849-1333 and 1631 West Beverly Boulevard, Second Floor, Los Angeles, California 90026-5746, (213) 250-9800.

Respectfully Submitted,

Dated: June 16, 2017

LEE KEITH BRETT

By: /s/ Lee Keith Brett
Lee Keith Brett

Plaintiff